

42-679-00014

H9V

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:

UGI Development Company
P.O. Box 224
390 Route 11
Hunlock Creek, PA 18621

:
:
: Violations of Air Pollution Control Act
: and Air Resource Regulations – 3rd and 4th
: Quarter ~~2009~~ ²⁰⁰⁸ Opacity Exceedences
:
:

CONSENT ASSESSMENT OF CIVIL PENALTY

7th This Consent Assessment of Civil Penalty ("CACP") is entered into this
day of July, 2009, by and between the Commonwealth of Pennsylvania,
Department of Environmental Protection ("Department"), and UGI Development Company
("UGI").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. § 4001 et seq. ("Air Pollution Control Act"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code") and the rules and regulations promulgated thereunder.

B. UGI is a Pennsylvania corporation with a registered address of 460 N. Gulph Road, King of Prussia, PA 19406.

C. UGI maintains a business address of P.O. Box 224, 390 Route 11, Hunlock Creek, PA 18621.

D. UGI owned and operated, at all relevant times, a power production facility, consisting in part, of one Foster Wheeler Boiler ("Boiler # 6") located in Hunlock Township, Luzerne County, Pennsylvania ("Facility").

E. Boiler # 6 is equipped, in part, with an opacity Continuous Emission Monitoring Systems ("CEM") to measure percent opacity with emission resultant identification number 250.

F. On October 31, 2005, the Department issued Title V Operating Permit Number 40-00005 ("Title V Permit") to UGI for the operation of multiple sources at the facility, including Boiler # 6.

G. The following condition, in relevant part, is included in the Title V Permit:

Section C, Condition #004(a) provides that the permittee may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either equal or greater than 20% for a period or periods aggregating more than three minutes in any 1 hour or equal to or greater than 60% at any time.

H. The regulations promulgated under the Air Pollution Control Act provide in relevant part, as follows:

- 1) 25 Pa. Code §127.444 provides that a person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.
- 2) 25 Pa. Code §123.41 prohibits the emission of visible air contaminants in such a manner that the opacity of the emissions is either of the following: equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any hour, or equal to or greater than 60% at any time.

I. The following violations occurred at the Facility: From July 1, 2008, to December 31, 2008, UGI operated Boiler #6 in such a manner that, on specified days during the third and fourth quarters of 2008, the opacity exceeded the limits set forth in Title V Permit Section C, Condition #004(a), in violation of Title V Permit Section C, Condition #004(a) and 25 Pa. Code §§ 127.444 and 123.41.

J. The violations described in paragraph I constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008; a statutory nuisance under Section 13 of the Air Pollution Control Act, 35 P.S. § 4013; and subject UGI to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of the covenants herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ASSESSED by the Department and AGREED to by UGI as follows:

1. Assessment. In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 9.1 of the Air Pollution Control Act, the Department hereby assesses a civil penalty of four hundred twenty dollars (\$420.00), which UGI hereby agrees to pay.

2. Civil Penalty Settlement. Upon signing this CACP, UGI shall pay the civil penalty assessment in Paragraph 1. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraph I, above, for the date(s) set forth in Paragraph I, above. The payment shall be by corporate check or the like, made payable to "Commonwealth of Pennsylvania-Clean Air Fund" and sent to the Air Quality Program Manager, PA Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711.

3. Findings.

a) UGI agrees that the findings in Paragraphs A through J are true and correct and, in any matter or proceeding involving UGI and the Department, UGI shall not challenge the accuracy or validity of these findings.

b) The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

4. Reservation of Rights. The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. UGI reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.

IN WITNESS WHEREOF, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of UGI certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of UGI, that UGI consents to the entry of this CACP as an ASSESSMENT of the Department; that UGI hereby knowingly waives any right to a hearing under the statutes referenced in this CACP; and that UGI knowingly waives its right to appeal this CACP, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by UGI attorney certifies only that the agreement has been signed after consulting with counsel.

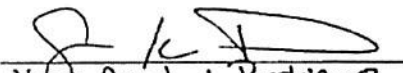
FOR

UGI DEVELOPMENT COMPANY



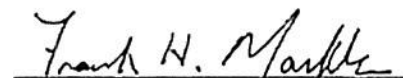
Name: MATTHEW S. DITZMAN

Title: VICE PRESIDENT



Name: Araceli K. Rodriguez

Title: CEO & Vice President

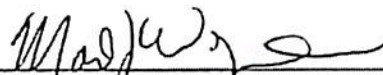


Name: Frank H. Markle

Attorney for UGI Development
Company

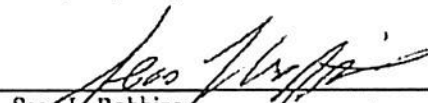
FOR THE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Mark J. Wajksner, P.E.

Northeast Regional Air Quality Program Manager
Air Quality Program



Sean L. Robbins
Assistant Counsel

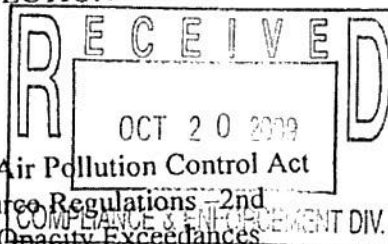
45-079-00014
HPV

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:

UGI Development Company
PO Box 224
390 Route 11
Hunlock Creek, PA 18621

:
:
: Violations of Air Pollution Control Act
: and Air Resource Regulations - 2nd
: Quarter 2009 Opacity Exceedances
:
:
:



CONSENT ASSESSMENT OF CIVIL PENALTY

2nd day of October, 2009, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and UGI Development Company ("UGI").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. § 4001 et seq. ("Air Pollution Control Act"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code") and the rules and regulations promulgated thereunder.

B. UGI is a Pennsylvania corporation with a registered address of 460 N. Gulph Road, King of Prussia, PA 19406.

C. UGI maintains a business address of P.O. Box 224, 390 Route 11, Hunlock Creek, PA 18621.

D. At all relevant times, UGI owned and operated a power production facility consisting, in part, of one Foster Wheeler Boiler ("Boiler # 6") located in Hunlock Township, Luzerne County, Pennsylvania ("Facility").

E. Boiler # 6 is equipped, in part, with an opacity Continuous Emission Monitoring Systems ("CEM") to measure percent opacity with emission resultant identification number 250.

F. On October 31, 2005, the Department issued Title V Operating Permit Number 40-00005 ("Title V Permit") to UGI for the operation of multiple sources at the facility, including Boiler # 6.

G. The following condition, in relevant part, is included in the Title V Permit:

Section C, Condition #004(a) provides that the permittee may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either equal or greater than 20% for a period or periods aggregating more than three minutes in any 1 hour or equal to or greater than 60% at any time.

H. The regulations promulgated under the Air Pollution Control Act provide in relevant part, as follows:

- 1) 25 Pa. Code §127.444 provides that a person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.
- 2) 25 Pa. Code §123.41 prohibits the emission of visible air contaminants in such a manner that the opacity of the emissions is either of the following: equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any hour, or equal to or greater than 60% at any time.

I. The following violations occurred at the Facility: From April 1, 2009, to June 30, 2009, UGI operated Boiler #6 in such a manner that, on multiple days during the second quarter of 2009, the opacity exceeded the limits set forth in Title V Permit Section C, Condition #004(a), in violation of Title V Permit Section C, Condition #004(a) and 25 Pa. Code §§ 127.444 and 123.41.

J. The violations described in paragraph I constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008; a statutory nuisance under Section 13 of the Air Pollution Control Act, 35 P.S. § 4013; and subject UGI to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of the covenants herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ASSESSED by the Department and AGREED to by UGI as follows:

1. Assessment. In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 9.1 of the Air Pollution Control Act, the Department hereby assesses a civil penalty of thirteen-thousand four hundred twenty-nine dollars (\$13,429.00), which UGI hereby agrees to pay.

2. Civil Penalty Settlement. Upon signing this CACP, UGI shall pay the civil penalty assessment in Paragraph 1. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraph I, above, for the date(s) set forth in Paragraph I, above. The payment shall be by corporate check or the like, made payable to "Commonwealth of Pennsylvania-Clean Air Fund" and sent to the Air Quality Program Manager, PA Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711.

3. Findings.

a) UGI agrees that the findings in Paragraphs A through J are true and correct and, in any matter or proceeding involving UGI and the Department, UGI shall not challenge the accuracy or validity of these findings.

b) The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

4. Reservation of Rights. The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. UGI reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.

IN WITNESS WHEREOF, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of UGI certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of UGI, that UGI consents to the entry of this CACP as an ASSESSMENT of the Department; that UGI hereby knowingly waives any right to a hearing under the statutes referenced in this CACP; and that UGI knowingly waives its right to appeal this CACP, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by UGI attorney certifies only that the agreement has been signed after consulting with counsel.

FOR

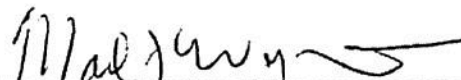
UGI DEVELOPMENT COMPANY



Name: MATTHEW S. DUTMAN
Title: VICE PRESIDENT

FOR THE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



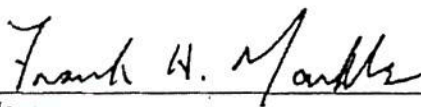
Mark J. Wejksznar, P.E.
Northeast Regional Air Quality Program Manager
Air Quality Program



Name: Thomas M. Jagel
Title: Vice President - Law



Sean L. Robbins
Assistant Counsel



Name:
Attorney for UGI Development
Company

10/1/09	UGI Development Co.	003963	13,429.00	-	CACP	57
DATE	NAME	RECEIPT NUMBER	CHECK NUMBER	AMOUNT PAID	TAX INCL.	REVENUE ID

LOCAL OFFICE STAMP



RECEIPT 1216931

...ING PRINTERY

RECEIVED FROM

UGI Development Co.
One Meridian Blvd, Suite 2C01
Wyomissing PA 19610

DESCRIPTION

CACP
Civil Penalty Fee

COMMONWEALTH OF PENNSYLVANIA

1000-FM-MTS0040 Rev. 3/2002
CCT3309 (1/02)

BY:

Audrey Lehman

UGI Development Co.
One Meridian Blvd, Suite 2C01
Wyomissing, PA 19610

Check Number
003963

The Bank of New York Mellon
Pittsburgh, Pennsylvania

Thirteen thousand four hundred twenty-nine and xx / 100 Dollars

PADE120

PA Dept of Environmental Protection
Northeast Regional Air Quality Program
2 Public Square
Wilkes Barre, PA 18711-0790
USA

9/22/2009	*****13,429.00
DATE	AMOUNT

Audrey Lehman

Checks Over \$5,000.00 Require 2 Signatures

Audrey Lehman

⑈003963⑈ ⑈043301601⑈ ⑈05⑈0878⑈

556021

12-079-33314
HPV
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the matter of:

UGI Development Company
P.O. Box 224
390 Route 11
Hunlock Creek, PA 18621

:
:
: Violations of Air Pollution Control Act
: and Air Resource Regulations -3rd
: Quarter 2009 Opacity Exceedences
:

CONSENT ASSESSMENT OF CIVIL PENALTY

22nd This Consent Assessment of Civil Penalty ("CACP") is entered into this
day of March, 2010, by and between the Commonwealth of Pennsylvania,
Department of Environmental Protection ("Department"), and UGI Development Company
("UGI").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. § 4001 et seq. ("Air Pollution Control Act"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code") and the rules and regulations promulgated thereunder.

B. UGI is a Pennsylvania corporation with a registered address of 460 N. Gulph Road, King of Prussia, PA 19406.

C. UGI maintains a business address of P.O. Box 224, 390 Route 11, Hunlock Creek, PA 18621.

D. At all relevant times, UGI owned and operated a power production facility consisting, in part, of one Foster Wheeler Boiler ("Boiler # 6") located in Hunlock Township, Luzerne County, Pennsylvania ("Facility").

E. Boiler # 6 is equipped, in part, with an opacity Continuous Emission Monitoring System ("CEM") to measure percent opacity with emission resultant identification number 250. *SPK*

F. On October 31, 2005, the Department issued Title V Operating Permit Number 40-00005 ("Title V Permit") to UGI for the operation of multiple sources at the facility, including Boiler # 6.

G. The following condition, in relevant part, is included in the Title V Permit:

Section C, Condition #004(a) provides that the permittee may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either equal or greater than 20% for a period or periods aggregating more than three minutes in any 1 hour or equal to or greater than 60% at any time.

H. The regulations promulgated under the Air Pollution Control Act provide in relevant part, as follows:

- 1) 25 Pa. Code §127.444 provides that a person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.
- 2) 25 Pa. Code §123.41 prohibits the emission of visible air contaminants in such a manner that the opacity of the emissions is either of the following: equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any hour, or equal to or greater than 60% at any time.

I. The following violations occurred at the Facility: From July 1, 2009, to September 30, 2009, UGI operated Boiler #6 in such a manner that, on multiple days during the third quarter of 2009, the opacity exceeded the limits set forth in Title V Permit Section C, Condition #004(a) and 25 Pa. Code 123.41, in violation of Title V Permit Section C, Condition #004(a) and 25 Pa. Code §§ 123.41 and 127.444.

J. The violations described in paragraph I constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008; a statutory nuisance under Section 13 of the Air Pollution Control Act, 35 P.S. § 4013; and subject UGI to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of the covenants herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ASSESSED by the Department and AGREED to by UGI as follows:

1. Assessment. In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 9.1 of the Air Pollution Control Act, the Department hereby assesses a civil penalty of twenty-two thousand three hundred fifty-five dollars (\$22,355.00), which UGI hereby agrees to pay.

2. Civil Penalty Settlement. Upon signing this CACP, UGI shall pay the civil penalty assessment in Paragraph 1. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraph I, above, for the date(s) set forth in Paragraph I, above. The payment shall be by corporate check or the like, made payable to "Commonwealth of Pennsylvania-Clean Air Fund" and sent to the Air Quality Program Manager, PA Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711.

3. Findings.

a) UGI agrees that the findings in Paragraphs A through J are true and correct and, in any matter or proceeding involving UGI and the Department, UGI shall not challenge the accuracy or validity of these findings.

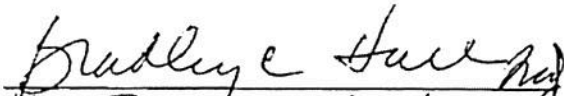
b) The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.


4. Reservation of Rights. The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. UGI reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.


IN WITNESS WHEREOF, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of UGI certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of UGI, that UGI consents to the entry of this CACP as an ASSESSMENT of the Department; that UGI hereby knowingly waives any right to a hearing under the statutes referenced in this CACP; and that UGI knowingly waives its right to appeal this CACP, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by UGI attorney certifies only that the agreement has been signed after consulting with counsel.

FOR

UGI DEVELOPMENT COMPANY

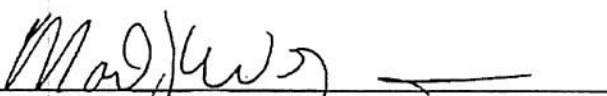

Name: BRADLEY C. HAUL
Title: PRESIDENT



Name: Thomas M. Jackel
Title: Vice President - Law


Name: Thomas M. Jackel
Attorney for UGI Development Company

FOR THE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION


Mark J. Wejksner, P.E.
Northeast Regional Air Quality Program Manager
Air Quality Program


Sean L. Robbins
Assistant Counsel

UGI Development Co.
One Meridian Blvd, Suite 2C01
Wyomissing, PA 19610

The Bank of New York Mellon
Pittsburgh, Pennsylvania

004945

Twenty-two thousand three hundred fifty-five and xx / 100 Dollars

COMM120

Commonwealth of Pennsylvania
Clean Air Fund
Dept of Environmental Protection
NE Regional Off. 2 Public Sq
Wilkes Barre, PA 18711-0790

#004945# 1043301601 1050878

4/5/2010	*****22,355.00
DATE	AMOUNT

[Signature]
Checks Over \$5,000.00 Require 2 Signatures

4567377

4/12/10	UGI Development Co.	1214084	004945	22,355.00	-	CACP	138450-101	N
DATE	NAME	RECEIPT NUMBER	CHECK NUMBER	AMOUNT PAID	TAX INCL	ISSUED FOR	REVENUE ID	R

LOCAL OFFICE STAMP



RECEIPT

1214084

DESCRIPTION Consent Assessment of Civil Penalty
UGI Dev. Co.'s Humlock Power Station
Humlock Township
Luzerne County
COMMONWEALTH OF PENNSYLVANIA

RECEIVED FROM
UGI Development Co.
One Meridian Blvd.
Suite 2C01
Wyomissing, PA 19610

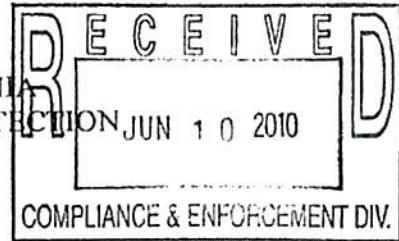
1000-F44-MTS0040 Rev. 3/2002
CCT:2008 (042)

BY:

[Signature]

HRV

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the matter of:

UGI Development Company
PO Box 224
390 Route 11
Hunlock Creek, PA 18621

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: Violations of Air Pollution Control Act
: and Air Resource Regulations -4th
: Quarter 2009 Opacity Exceedances
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CONSENT ASSESSMENT OF CIVIL PENALTY

This Consent Assessment of Civil Penalty ("CACP") is entered into this 28th day of May, 2010, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and UGI Development Company ("UGI").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. § 4001 et seq. ("Air Pollution Control Act"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code") and the rules and regulations promulgated thereunder.

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E. Boiler # 6 is equipped, in part, with an opacity Continuous Emission Monitoring System ("CEM") to measure percent opacity with emission resultant identification number 250.

21

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G. The following condition, in relevant part, is included in the Title V Permit:

Section C, Condition #004(a) provides that the permittee may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either equal or greater than 20% for a period or periods aggregating more than three minutes in any 1 hour or equal to or greater than 60% at any time.

H. The regulations promulgated under the Air Pollution Control Act provide in relevant part, as follows:

- 1) 25 Pa. Code §127.444 provides that a person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.
- 2) 25 Pa. Code §123.41 prohibits the emission of visible air contaminants in such a manner that the opacity of the emissions is either of the following: equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any hour, or equal to or greater than 60% at any time.

I. The following violations occurred at the Facility: From October 1, 2009, to December 31, 2009, UGI operated Boiler #6 in such a manner that, on multiple days during the fourth quarter of 2009, the opacity exceeded the limits set forth in Title V Permit Section C, Condition #004(a) and 25 Pa. Code 123.41, in violation of Title V Permit Section C, Condition #004(a) and 25 Pa. Code §§ 123.41 and 127.444.

J. The violations described in paragraph I constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008; a statutory nuisance under Section 13 of the Air Pollution Control Act, 35 P.S. § 4013; and subject UGI to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of the covenants herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ASSESSED by the Department and AGREED to by UGI as follows:

1. Assessment. In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 9.1 of the Air Pollution Control Act, the Department hereby assesses a civil penalty ten thousand eight hundred one dollars (\$10,801.00), which UGI hereby agrees to pay.

2. Civil Penalty Settlement. Upon signing this CACP, UGI shall pay the civil penalty assessment in Paragraph 1. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraph I, above, for the date(s) set forth in Paragraph I, above. The payment shall be by corporate check or the like, made payable to "Commonwealth of Pennsylvania-Clean Air Fund" and sent to the Air Quality Program Manager, PA Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711.

3. Findings.

a) UGI agrees that the findings in Paragraphs A through J are true and correct and, in any matter or proceeding involving UGI and the Department, UGI shall not challenge the accuracy or validity of these findings.

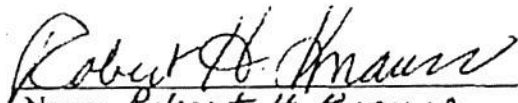
b) The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

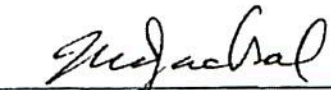
4. Reservation of Rights. The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. UGI reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.

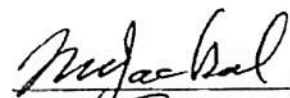
IN WITNESS WHEREOF, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of UGI certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of UGI, that UGI consents to the entry of this CACP as an ASSESSMENT of the Department; that UGI hereby knowingly waives any right to a hearing under the statutes referenced in this CACP; and that UGI knowingly waives its right to appeal this CACP, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by UGI attorney certifies only that the agreement has been signed after consulting with counsel.

FOR

UGI DEVELOPMENT COMPANY

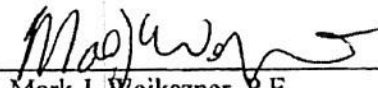

Name: Robert H. Knauss
Title: Vice President & General Counsel

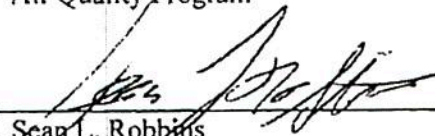

Name: Thomas M. Jackal
Title: Vice President - Law


Name: Thomas M. Jackal
Attorney for UGI Development Company

FOR THE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION


Mark J. Wejksznar, P.E.
Northeast Regional Air Quality Program Manager
Air Quality Program


Sean L. Robbins
Assistant Counsel

DATE	NAME	RECEIPT NUMBER	CHECK NUMBER	AMOUNT PAID	TAX INCL	ISSUED FOR	REVENUE ID
							0000000000

LOCAL OFFICE STAMP



RECEIPT
1214091

DESCRIPTION CONSENT ASSESSMENT OF CIVIL PENALTY

UGI DEVELOPMENT COMPANY-HUNLOCK POWER ST
HUNLOCK TOWNSHIP
LAZIERNE COUNTY
COMMONWEALTH OF PENNSYLVANIA

RECEIVED FROM
UGI DEVELOPMENT CO.
ONE MERIDIAN BLVD.
SUITE 2C01
WYOMISSING, PA 19610

1000-FM-MTS0040 Rev. 3/2002
COMMON

BY: *Mary J. Papushinsky*

Check Number
005208

UGI Development Co.
One Meridian Blvd, Suite 2C01
Wyomissing, PA 19610

The Bank of New York Mellon
Pittsburgh, Pennsylvania

Ten thousand eight hundred one and xx / 100 Dollars

COMM120

Commonwealth of Pennsylvania
Clean Air Fund
Dept of Environment Protection
NE Regional Off 2 Public Sq
Wilkes Barre, PA 18711-0790

1100520811 10433046011 1050087811

5/24/2010	*****10,801.00
DATE	AMOUNT

[Signature]
CHECKS OVER \$500.00 Require 2 Signatures

42-079-00014

HQV

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:

UGI Development Company
P.O. Box 224
390 Route 11
Hunlock Creek, PA 18621

:
:
: Violations of Air Pollution Control Act
: and Air Resource Regulations – 3rd and 4th
: Quarter ~~2009~~ ²⁰⁰⁸ Opacity Exceedences
:
:

CONSENT ASSESSMENT OF CIVIL PENALTY

7th This Consent Assessment of Civil Penalty ("CACP") is entered into this
day of July, 2009, by and between the Commonwealth of Pennsylvania,
Department of Environmental Protection ("Department"), and UGI Development Company
("UGI").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. § 4001 et seq. ("Air Pollution Control Act"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code") and the rules and regulations promulgated thereunder.

B. UGI is a Pennsylvania corporation with a registered address of 460 N. Gulph Road, King of Prussia, PA 19406.

C. UGI maintains a business address of P.O. Box 224, 390 Route 11, Hunlock Creek, PA 18621.

D. UGI owned and operated, at all relevant times, a power production facility, consisting in part, of one Foster Wheeler Boiler ("Boiler # 6") located in Hunlock Township, Luzerne County, Pennsylvania ("Facility").

E. Boiler # 6 is equipped, in part, with an opacity Continuous Emission Monitoring Systems ("CEM") to measure percent opacity with emission resultant identification number 250.

F. On October 31, 2005, the Department issued Title V Operating Permit Number 40-00005 ("Title V Permit") to UGI for the operation of multiple sources at the facility, including Boiler # 6.

G. The following condition, in relevant part, is included in the Title V Permit:

Section C, Condition #004(a) provides that the permittee may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either equal or greater than 20% for a period or periods aggregating more than three minutes in any 1 hour or equal to or greater than 60% at any time.

H. The regulations promulgated under the Air Pollution Control Act provide in relevant part, as follows:

- 1) 25 Pa. Code §127.444 provides that a person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.
- 2) 25 Pa. Code §123.41 prohibits the emission of visible air contaminants in such a manner that the opacity of the emissions is either of the following: equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any hour, or equal to or greater than 60% at any time.

I. The following violations occurred at the Facility: From July 1, 2008, to December 31, 2008, UGI operated Boiler #6 in such a manner that, on specified days during the third and fourth quarters of 2008, the opacity exceeded the limits set forth in Title V Permit Section C, Condition #004(a), in violation of Title V Permit Section C, Condition #004(a) and 25 Pa. Code §§ 127.444 and 123.41.

J. The violations described in paragraph I constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008; a statutory nuisance under Section 13 of the Air Pollution Control Act, 35 P.S. § 4013; and subject UGI to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of the covenants herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ASSESSED by the Department and AGREED to by UGI as follows:

1. Assessment. In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 9.1 of the Air Pollution Control Act, the Department hereby assesses a civil penalty of four hundred twenty dollars (\$420.00), which UGI hereby agrees to pay.

2. Civil Penalty Settlement. Upon signing this CACP, UGI shall pay the civil penalty assessment in Paragraph 1. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraph I, above, for the date(s) set forth in Paragraph I, above. The payment shall be by corporate check or the like, made payable to "Commonwealth of Pennsylvania-Clean Air Fund" and sent to the Air Quality Program Manager, PA Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711.

3. Findings.

a) UGI agrees that the findings in Paragraphs A through J are true and correct and, in any matter or proceeding involving UGI and the Department, UGI shall not challenge the accuracy or validity of these findings.

b) The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

4. Reservation of Rights. The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. UGI reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.

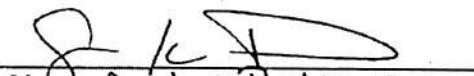
IN WITNESS WHEREOF, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of UGI certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of UGI, that UGI consents to the entry of this CACP as an ASSESSMENT of the Department; that UGI hereby knowingly waives any right to a hearing under the statutes referenced in this CACP; and that UGI knowingly waives its right to appeal this CACP, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by UGI attorney certifies only that the agreement has been signed after consulting with counsel.

FOR

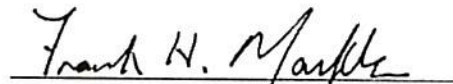
UGI DEVELOPMENT COMPANY



Name: MATTHEW S. DITZMAN
Title: VICE PRESIDENT



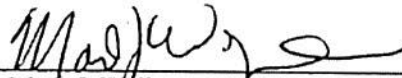
Name: Angela K. Rodriguez
Title: CFO & Vice President



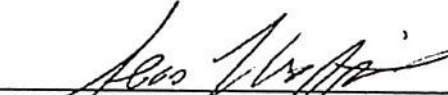
Name: Frank H. Markle
Attorney for UGI Development
Company

FOR THE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Mark J. Wejksznar, P.E.
Northeast Regional Air Quality Program Manager
Air Quality Program



Sean L. Robbins
Assistant Counsel

7/9/09	UGI Development	1213616	003468	8/20/00	—	0 ACP	—	SK
DATE	NAME	RECEIPT NUMBER	CHECK NUMBER	AMOUNT PAID	TAX INCL.	ISSUED FOR	REVENUE ID	REF

LOCAL OFFICE STAMP



RECEIPT
1213616

DESCRIPTION
CACP
Consent Assessment of Civil
Penalty
COMMONWEALTH OF PENNSYLVANIA

RECEIVED FROM
UGI Development Co.
One Meridian Blvd
Suite 2C01
Wyomissing PA 19610

1000-FM-MTS0040 Rev. 3/2002
05713399 (9/02)

BY: Laura Lehman

UGI Development Co.
One Meridian Blvd, Suite 2C01
Wyomissing, PA 19610

The Bank of New York Mellon
Pittsburgh, Pennsylvania

Check Number
003468

Four hundred twenty and xx/100 Dollars

PAYEE TO

PA Dept of Environmental Protection
2 Public Square
Wilkes Barre, PA 18711-0790
USA

6/19/2009	*****420.00
DATE	AMOUNT

Andrew Feller

Checks Over \$5,000.00 Require 2 Signatures

⑈003468⑈ ⑈043301601⑈ ⑈05⑈08⑈78⑈